

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 4730 of 2007(K)

PETITIONER:

V. SADANANDAN, KRISHNA BUNGLOW,
KAZHAKKOOTOM P.O., TRIVANDRUM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

1. THE ASST.PROVIDENT FUND COMMISSIONER,
BHAVISHYANIDHI BHAVAN, PATTOM,
TRIVANDRUM-695 004.
2. EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, NEW DELHI.

BY ADV.SRI.N.N.SUGUNAPALAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/02/2007, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.4730 OF 2007-K

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Dated this the 13th day of February, 2007.

JUDGMENT

Heard.

2. The petitioner challenges the impugned Ext.P7 whereby E.P.F.Appellate Tribunal refused to waive the condition of deposit of 75% of the determined amount, but has slashed the pre-condition to 25%. No doubt, there is a power to waive. There is also a power to reduce. The said powers are statutory powers. Ext.P7 clearly states that there is no prima facie case made out to waive the condition for deposit in its entirety.

3. Having heard the learned counsel for the petitioner and the learned standing counsel for the first respondent and having perused the impugned Ext.P7, I am satisfied that the

Tribunal has exercised its discretionary power in accordance with law and Ext.P7 is not a mechanical order. Under such circumstances, I am not inclined to interfere with the decision of the E.P.F.Appellate Tribunal directing that the writ petitioner-appellant has to pay 25% as condition for admission of the appeal. However, having regard to the circumstances pointed out by the learned counsel for the petitioner, that the petitioner is sick and is undergoing medical treatment, it is directed that Ext.P7 order will stand satisfied, if the petitioner remits the amounts covered thereby in two equal instalments payable on or before the 28th of February, 2007 and 29th of March, 2007, without fail.

The writ petition is disposed of as above.

SD/-

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-

-TRUE COPY-

P.S.TO JUDGE.